IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 12159 of 2004

Between:

G.S.R. Thyagaraju, S/o. Late G. Lakshminarayana,
Exhange, Kamareddy, Nizamabad District,
R/o. Kamareddy, Nizamabad District.

..... PETITIONER

AND

1 The Chief General Manager, Telecommunications,
Bharat Sanchar Nigam Limited, A.P. Circle, Hyderabad - 500 001.
2 The Principal General Manager, Telecommunications Suryalok Complex,
Abids, Hyderabad.
3 The Divisional Engineer, Administration, General Manager,
Telecommunications, Nizamabad Area.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of a Writ of Mandamus declaring the proceedings of the Respondent No.1 (The Chief General Manager, Telecommunications, BSNL, A.P. Circle, Hyderabad) in Letter No. TA/STB/2-3/NZB/2K, dt. HD-1, 9-12-2003, in rejecting petitioner application for transfer under Rule 38 of P & T Manual as illegal.

Counsel for the Petitioner:MR.N.CHANDRADHAR RAO

Counsel for the Respondents:MR.K.NARAHARI

The Court at the stage of admission made the following ORDER :

Questioning the proceedings vide No.TA/STB/2-3/NZB/2k, dated 09-12-2003 issued by the first respondent in rejecting the request transfer of the petitioner, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that under Rule 38 of P&T Manual, petitioner is entitled for a transfer to a place on his own request but the same has not been considered by the respondents. Hence, prays to set aside the impugned proceedings.

On the other hand, learned counsel for the respondents stated that Rule 38 of P&T Manual provides mutual transfer but not at the request of the petitioner and the case of the petitioner was already considered and rejected by the competent authority and therefore, there are no grounds to interfere with the impugned proceedings.

It is brought to the notice of this Court by the learned counsel appearing for the petitioner that the petitioner is working at Kamareddy, Nizamabad district for the last 18 years and on medical grounds, he seeks transfer to Hyderabad. The same shall have to be considered by the respondents.

The transfer is an incidence of service. Whatever may be the reason, the employee cannot choose a particular place to be transferred. The authorities considered the request of the petitioner. As it could not be feasible, the same was rejected. Rule 38 P&T Manual provides transfer of officials when desired for their own convenience should not be discouraged if they can be made without injury to

the rights of others. But, this rule cannot confer any enforceable right on the petitioner. This rule is subject to the rights of others and further by way of mutual consent, the same can be affected. It is not a case of mutual consent. Therefore, there are no grounds to interfere with the impugned proceedings.

In the result, the writ petition is dismissed at the stage of admission. In the circumstances, no costs.

16th JULY, 2004.

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To

1 The Chief General Manager, Telecommunications,
Bharat Sanchar Nigam Limited, A.P. Circle, Hyderabad - 500 001.
2 The Principal General Manager, Telecommunications Suryalok Complex,
Abids, Hyderabad.
3 The Divisional Engineer, Administration, General Manager,
Telecommunications, Nizamabad Area, Nizamabad.

4 Two CD copies.